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SUBJECT: PORTUGAL'S ABORTION REFERENDUM EXPOSES POLITICAL
RIFTS

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¶1. Summary: A new referendum set for February 11 on the question of decriminalization of abortion is dominating Portuguese political life. The effort to legalize abortion on demand in the first ten weeks of pregnancy demonstrates a political rift between young urbanites and older rural voters, a rift that cuts across political lines. End summary.

¶2. On February 11, Portugal will hold a referendum on the question of decriminalizing abortion. This referendum) the second of its kind) has become the most dominant domestic political issue of the current administration. Major political leaders, including Prime Minister Socrates and his Socialist Party (PS), vowed to refrain from lobbying for a specific outcome, likely to avoid alienating half the electorate in future elections. Both the Prime Minister and the leader of the largest opposition party, center-right Social Democratic (PSD) leader Marques Mendes, have publicly stated that their party members are free to vote their conscience.

¶3. The Socialists have stated, however, that they have legislation prepared to decriminalize abortion should the "yes" vote carry the day, Socrates himself wrote in favor of the initiative on the PS website, and PS operatives have been distributing campaign literature with official party logos. Equally, however, Socrates stated at a PS conference that they would not introduce the legislation if the "no" vote wins. Five organizations have officially registered as lobbies for "yes" and at least eleven have registered as lobbies for "no." These organizations have filled Lisbon and other cities and towns with billboards and posters. Activists hand out flyers at all major pedestrian areas and media coverage of this issue dwarfs all others.

¶4. Currently, the Penal Code authorizes a prison sentence of up to three years for any pregnant woman who consents to an abortion or who takes action in such a way as to cause an abortion. Portuguese law grants exceptions to this prohibition in cases of danger to the life of the mother, rape, incest, and severe fetal deformities. In all of Europe, only Ireland, Poland, Lichtenstein, Cyprus, and Malta have similar laws, according to PS campaign activists.

¶5. In the referendum, voters will be able to vote "yes" or "no" on the following question (informal translation): "Do you agree with decriminalizing the voluntary interruption of pregnancy, occurring in the first ten weeks at the choice of the woman at legally authorized health establishments?" This language is identical to the language used in the 1998 referendum in which the "no" vote carried a majority of votes cast. In that 1998 referendum, however, voter turnout was below the 50 percent level that gives legal standing to a referendum result.

¶6. Proponents of a "no" vote complain that regardless of the turnout, the 1998 results represent the will of the Portuguese people and should be binding on the government. "Yes" proponents note that the first referendum was held in the summer when many voters were on vacation and initial polling results indicating a "yes" victory may have led to voter apathy by supporters.

¶7. Campaigns have been largely free of invective and advertising has remained focused on each side's policy points. In rare divergences from this measured environment, the extremists have been roundly criticized by both sides. A Catholic Bishop reportedly stated that anyone voting in favor of the referendum would be excommunicated from the church. Shortly thereafter, however, the Bishop issued a clarification noting that his statement reflected only his analysis of doctrine and not a threat.

¶8. Current polling shows the "yes" vote with a significant lead, although recent rallies, marches, and advertising by the "no" lobby have made up some of the difference. In the last week, polls indicated a shift in "yes" from 66 percent to 51 percent and in "no" from 30 percent to 44 percent. Polling data indicate interesting trends in terms of geography and age. In Lisbon and in the south of Portugal, the "yes" campaign surpassed 70 percent, while in the coastal north and in the interior, "no" votes are close to 50 percent. Polls also indicate that voters aged 18-34 support the "yes" vote by almost 80 percent.

¶9. Comment: The abortion referendum is a reflection of Portugal's changing demographics. Older, more socially conservative voters of all parties are finding themselves displaced by younger, more socially liberal voters. A majority of Portuguese support decriminalization of abortion, according to opinion surveys, but voter turnout must be strong for the "yes" vote to carry the day.

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¶10. Comment continued: Socrates made a campaign promise to hold the referendum in order to appease the left wing of his party. Although he could have simply introduced legislation, the referendum offered political cover. While the ruling PS has made it clear that it hopes the "yes" vote will prevail, the fact that both PS and PSD leaders have encouraged Portuguese to vote their conscience will minimize the prospect that either party will pay a political price due to the referendum. How the parties, parliamentary delegations vote on any ensuing legislation, however, may have an impact on how the parties are viewed in the next parliamentary elections in 2009.
Hoffman